

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Petitioner,) 8:09CV396
v.)
MALLOY PLUMBING, INC.,)
DAVID MALLOY, PRESIDENT,)
Respondent.)

ORDER TO SHOW CAUSE

Upon the petition of the United States, and the declaration and summons attached thereto, it is hereby

ORDERED that respondent, David Malloy, appear before the District Court of the United States for the District of Nebraska in that branch thereof presided over by the undersigned, in the Hruska United States Courthouse, Courtroom No. 3, at 11:00 a.m., on December 18, 2009, to show cause why respondent should not be compelled to comply with the Internal Revenue Service summons served on respondent on August 12, 2009. It is further

ORDERED that a copy of this Order, together with the petition and exhibits thereto, be personally served on David Malloy, by an official of the Internal Revenue Service within thirty (30) days of the date of this Order. It is further

ORDERED within 5 days of service of copies of this Order, the petition and Exhibits thereto, respondent shall file and serve a written response to the petition. That if respondent has any defenses to present or motions to make in opposition to the petition, such defenses or motions, if any, shall be made in writing and filed with the Court, and copies served on the United States Attorney at least five (5) business days prior to the date of the show cause hearing. Only those issues raised by motion or brought into controversy by the responsive pleading shall

be considered by the Court and any uncontested allegations in the petition shall be deemed admitted; and further

ORDERED that if respondent has no objection to compliance with the summons, respondent may, at least three (3) business days prior to the date of the show cause hearing, notify the clerk of this Court, in writing, with copies to the United States Attorney, of the fact that no response or appearance as ordered herein will be required.

Entered this 9th day of November, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
CHIEF DISTRICT JUDGE